

REMARKS

The Office Action dated October 25, 2006 has been received and its contents carefully noted. In response thereto, applicants have amended claim 1 to eliminate the term "generally" which modified the "convex shape" and "oval shapes" of claim 1, all in an effort to place the application in condition for allowance. Reconsideration of the rejections of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

Telephonic Interview

Applicants' attorney wishes to thank Examiner Chin for his helpful comments during a telephonic interview held on January 10, 2007. The obviousness rejection based on Stvartak et al. (U.S. Patent No. 6,601,272) and the proposed amendments to eliminate the term "generally" modifying the "convex shape" and "oval shapes" of claim 1 were discussed. No agreement was reached with respect to the allowability of the amended claim as the Examiner wanted to further consider the amendment when it was filed.

Allowable Subject Matter

Applicants appreciate the indication that claims 7 and 9 are allowed.

Claim Rejections - 35 U.S.C. § 103

Turning now to the rejections under 35 U.S.C. § 103, claims 1-6, 13 and 14 have been rejected as being unpatentable over Stvartak et al. (U.S. Patent No. 6,601,272). Applicants respectfully disagree with this rejection for the following cogent reasons.

The present electric toothbrush invention is directed to the two oval grip members 120, 140 molded of soft elastomeric material on the rear side of the handle 80. These grip members 120, 140 have concave recesses regions 122, 142 for the thumbs of the user.

In the rejection, the Examiner has now applied Stvartak et al. (U.S. Patent No. 6,601,272) which has a two spaced apart grip elements, one smaller than the other. When the Examiner refers to the "generally convex shape" and "generally oval shapes" as recited in the claim 1, he refers to these recitations each as "a broad recitation" with the term "generally" in bold.

To further distinguish the present invention from the Stvartak et al. patent, claim 1 has been amended to eliminate the term "generally" which modified the "convex shape" and "oval shapes." The grips of the Stvartak et al. patent are clearly not shaped in the manner as now claimed. It also appears that the grips of the Stvartak et al. patent may not meet the claim 1 limitation that the "concave, oval recessed regions (122, 142) are concavely shaped along both their major and minor axes" as shown in Figs. 4-6 of the present application. Accordingly, it appears as though the Section 103 rejection based on Stvartak et al. should be withdrawn.

In summation, the claims are believed to be clearly distinguishable over the cited reference and all the claims recite features which are not found in the cited reference. The obviousness rejection uses a hindsight reconstruction of applicants' invention based on their own disclosure. The proposed modification of the reference still falls far short of applicants' unique invention.

Conclusion

In view of the foregoing amendments and remarks, allowance of the application is believed to be in order, and such action is earnestly solicited. The Examiner is invited to call applicants' attorney if any questions remain following review of this response.

Respectfully submitted,

Dated: 1/06/2007

By 

K. Bradford Adolphson
Attorney for Applicants
Registration No. 30,927

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676